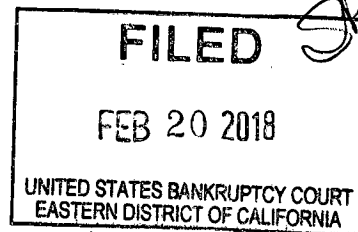


UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re:) Case No. 17-23294-B-7
JOHN GERARD KRZYWICKI,)
Debtor(s).)



ORDER TO SHOW CAUSE

Debtor John Gerard Krzywicki filed a voluntary chapter 7 petition on May 15, 2017. Dkt. 1. The deadline to file a complaint objecting to discharge and/or to determine the dischargeability of a debt was thereafter set as September 5, 2017. Dkt. 6.

On February 15, 2018, the debtor filed a Stipulation as to Nondischargeability of Debt of Eric Krzywicki. Dkt. 47. The stipulation purports to declare nondischargeable "[Eric Krzywick's] claim pursuant to a judgment issued by the California Labor Board as noted in the Debtors [sic] Chapter 7 bankruptcy petition." Id. at 1:21-22. The schedules reflect that the judgment is a prepetition debt.

The stipulation states that the parties agreed before the debtor's discharge was entered that the prepetition debt described in the stipulation is nondischargeable. Id. at 2:7-8. It also states that the creditor anticipated filing an adversary proceeding to test the dischargeability of that debt. Id. at 2:4-6. No adversary proceeding was ever timely filed.

1 Based on the foregoing,

2 IT IS ORDERED that the parties show cause, filed in writing
3 by March 7, 2018, as to (i) how the court can enter a judgment
4 declaring the debtor's prepetition debt to creditor
5 nondischargeable in the absence of an adversary proceeding; and
6 (ii) even if the court could very liberally construe the
7 stipulation as an adversary complaint filed on February 15, 2018,
8 how the court can enter a judgment of nondischargeability based
9 on a complaint filed after the above-referenced September 5,
10 2017, deadline.

11 IT IS FURTHER ORDERED that a hearing will be held on March
12 13, 2018, at 9:30 a.m.

13 Dated: February 20, 2018.

14
15 
16 UNITED STATES BANKRUPTCY JUDGE

INSTRUCTIONS TO CLERK OF COURT
SERVICE LIST

The Clerk of Court is instructed to send the attached document, via the BNC, to the following parties:

David M. Brady
280 Hemsted Dr Suite B
Redding CA 96002

Bruce Charles Dwiggin
1901 Park Marina Dr
Redding CA 96001